

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DIANNA LYNN HARRIS,**

**Plaintiff**

**v.**

**PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE,  
et al.,**

**Defendant**

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**CIVIL NO. 1:CV-01-0270**

**(Judge Conner)**

**ORDER**

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This is a civil rights action in which plaintiff, Dianna Lynn Harris (“Harris”), alleges employment discrimination in violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, et seq., and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 623, et seq. By order dated April 3, 2003, the court granted in part and denied in part defendants’ motion to dismiss and granted Harris leave to amend certain aspects of her complaint. (Doc. 45). By order dated February 5, 2004, the court construed Harris’s failure to file an amended complaint as a waiver of the claims that the court had granted Harris leave to amend, ordered defendants to answer the original complaint within ten (10) days, and scheduled a status conference on February 18, 2004. (Doc. 47). In this order, the court cautioned plaintiff that “[f]ailure to cooperate in the preparation of a revised pretrial schedule or failure to attend the status conference may result in sanctions,

including dismissal of this action.” (Doc. 47 at 2). Despite this warning, Harris failed to attend the status conference on February 18, 2004. (See Doc. 49). On February 27, 2004, defendants moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 41(b) and Local rule 83.3.1(a). (Doc. 50).

AND NOW, this 2nd day of March, 2004, it is hereby ORDERED that plaintiff is directed to file on or before March 15, 2004, a response showing cause why the court should not dismiss this action pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 83.3.1(a) for failure to prosecute or to comply with the order of court dated February 5, 2004.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge